



FlashPoints



Hazardous Materials and Transportation Safety Newsletter

Issue #4

Fall 2000

Upcoming TSI Classes in Oklahoma City:

Transportation of Hazmat

-Basic Oct 23-27, Dec 4-8,

Feb 26-Mar 2, Apr 30-May 4

-Recurrent Nov 13-15,

Mar 13-15

Motor Carrier Safety Regs

Oct 23-27, Jan 22-26, Mar 12-16,

May 7-11

Air Transportation of Hazmat (ICAO/IATA)

Nov 6-8,

Mar 20-22

Vessel/IMDGC

Feb 12-16

Instructor Training

Feb 21-23,

Apr 17-19

Cargo Tanks

Jan 22-26

Explosives

Jan 30-Feb 2

Performance-Oriented

Packaging Oct 11-13, Feb 13-15

Haz Wastes & Substances

Dec 12-15

Radioactive Materials

Oct 31-Nov 3

Infectious Substances

Oct 11-12, Jan 10-11, Apr 11-12

Cylinders

May 2-4

Customized and on-site training also available.

For more information, or to receive a training brochure, please contact the TSI Hazardous Materials and Transportation Safety Division.

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Information in this newsletter is summary in nature and should not be used as a sole source to determine compliance with transportation and safety regulations. This newsletter is a TSI training tool and materials contained here are **not** considered as official statements, positions, or opinions of the U.S. Department of Transportation.

To be added/removed from the FlashPoints e-mailing list please contact: Hazmat@tsi.jecbi.gov

RSPA Adds New Hazmat Outreach Positions

Hi, we're from the Federal government and we're here to help. How often have we heard this phrase? The Research and Special Programs Administration

Dave Henry
US DOT, RSPA
Office of Hazardous
Materials Safety

(RSPA) of the DOT has been authorized by Congress to do just that. There will now be five people, one in each RSPA Hazmat field office, who are dedicated to safety assistance efforts.

The new RSPA Safety Assistance Team will work with state and local government, industry, and associations to foster safety through voluntary compliance and industry self-analysis.

The emphasis of the new organization will be on hazmat safety and the ways RSPA can assist everyone to achieve it. In RSPA we will work with all the players involved to make the transportation of hazardous materials a safe enterprise. We will maintain an open dialogue with representatives of shippers, carriers, freight forwarders, drivers, packaging manufacturers and other personnel who accept or transport hazardous materials. We will work with state emergency response commissions, local emergency planning committees, regional response teams and industry to help find solutions to incidents before

Outreach continued on page 2

US DOT May Shut Down "Unfit" Motor Carriers

Bill Syme
TSI Motor
Carrier Safety

US Transportation Secretary Rodney Slater has just announced a tough new safety rule for shutting down unfit motor carriers. Effective Nov. 20, 2000, the new rule becomes final for carriers that are rated unsatisfactory during a compliance audit. The change will require

all "unfit" motor carriers to improve or stop operating their trucks and buses in interstate commerce.

This rule expands the existing prohibitions that covered just buses and placarded hazardous materials carriers. Secretary Slater indicated that this action was taken to meet the intent of Congress provided in the Transportation Equity Act for the 21st century (TEA-21), the highway funding bill. It also coincides with the goal of the Clinton administration to

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cut commercial vehicle related accident deaths by half in ten years.

Key features of the new rule include:

- Passenger and Hazmat carriers will have 45 days to correct deficiencies.
- Applies to carriers rated after the effective date of Nov. 20, 2000.
- "Unsat" ratings held prior to effective date are not subject to the new rule retroactively.
- Under TEA-21, Federal agencies will be prohibited from using a motor carrier that is rated unsatisfactory by this review system.

The final rule was published in the Aug. 22, 2000

Federal Register under Docket No. OMCS-99-5467. Additional announcement information may be found on the FMCSA website: <http://www.fmcsa.dot.gov>.



We'll See You There

TSI Hazmat and Motor Carrier Safety instructors will be participating in the following upcoming events:



DOT Multi-Modal Hazmat Seminar, Cleveland, Sep 12-13
CVSA Annual Conference, Grand Rapids, MI, Sep 9-14
COHMED Fall Conference, Las Vegas, Oct 15-19
Great American Truck Show, Dallas, Nov 16-18, Booth 1902

Look us up and say hello!

No "Return To Sender" When Violation is Discovered

What does a carrier do when they accept a hazmat package for transport and then discover later at their facility that the package is in violation of the Hazardous Materials Regulations (HMR)?



A DOT Clarification

Keep it moving towards its destination? Bring it back to the shipper? The DOT Office of Hazardous Materials Standards addressed this issue in a recent letter of clarification. Here is an excerpt from that letter:

"Specifically, you ask about the penalties associated with a common carrier who picks up a package for transportation by highway which is in violation of the HMR, transports it to a central processing facility where an audit at the carrier's facility reveals that a violation of the HMR exists. The carrier then transports the package back to the offeror without rectifying the violations. Section 171.2(a) states that no person may offer or accept a hazardous material for transportation unless the package conforms to the applicable regulations in the HMR. Generally, an offeror of the hazardous material must sign a certification statement as required by 172.204(a). As stated in the enclosed formal interpretation published in the Federal Register on June 4, 1988, (63 FR 30411) a

carrier violates the HMR when the carrier accepts or transports a hazardous material which has not been prepared in accordance with the applicable regulations of the HMR. The formal interpretation also clarifies carrier responsibility and the issue of "knowingly and willfully" violating the HMR. A carrier may not accept or transport, including continuing to transport, a package which is not in compliance with the HMR."

So, once discovered, the carrier may not continue to transport the package that is in violation—including returning it from a carrier facility to the original pick-up point. Though this example dealt with highway transportation, it also applies to other modes of transportation. Air carriers and shippers should also be aware of 49 CFR section 175.31, which requires the air carrier to notify the nearest FAA Civil Aviation Security Office when a shipment is found to be in violation after it has been accepted for air transport by the carrier. (Now you know why US air carriers have such a long checklist for accepting dangerous goods.)

For more information on this issue and to peruse and print letters of clarification on other hazmat transportation subjects, visit the DOT Hazmat web site at <http://hazmat.dot.gov>. Click on "Rules & Regulations" then click on "Letters of Interpretation".



Out Now: New Amendments to the HMR

On August 8, 2000, RSPA published a final rule on some miscellaneous amendments to 49 CFR Parts 100—185 (Docket # RSPA-99-6213, HM-218). Some of these amendments were clarifications of existing rules, other were changes that brought DOT regulations in line with international regulations, and others were just small changes or corrections that needed to be made. All of these amendments go into affect October 1, 2000. Compliance with these amendments is authorized as of August 18, 2000 (you can start complying now). Here are *brief* descriptions of *some* of the new amendments. Refer to the complete document (available at <http://hazmat.dot.gov>) before complying.

Highlighted amendments by section:

- 171.8** Definition of “aerosol” no longer specifies “metal” receptacle.
- 171.11** Adding “Poison” on shipping papers completed per ICAO is no longer required for material with a 6.1 subrisk since ICAO requires subrisks to be listed anyway.
- 171.11/12** An EX number (or product code #) must appear on shipping papers completed per ICAO/IMDGC for pyrotechnic airbag inflators and seatbelt pretensioners as specified in 173.166(c).
- 171.12** Shipping papers completed per IMDGC or IAEA must be in English.
- 172.101** The words “Liquid” or “Solid” may be added to PSNs for materials that could be shipped in either form.
- 172.101/102** Special provision 78 is added for “Air, compressed” which says this PSN cannot be used for air mixtures containing more than 23.5% oxygen. No “Oxidizer” label is required when staying within this limit.
- 172.204** Shipper’s certification statement for aircraft replaces “packed” with “packaged”, consistent with ICAO. “Packed” can be used until 2010.
- 172.519** Text can be omitted from the “Oxygen” placard only in the cases where the identification number is being displayed on the placard.
- 172.604** The Class 9 PSN “Consumer commodity” doesn’t require emergency response information.
- 173.12** Materials that are poisonous by inhalation are not allowed in the lab pack exception.
- 173.13** The labeling exceptions for this “label-exempt” packaging do not apply to the “Cargo Aircraft Only” label.
- 173.160** Any large explosive normally intended for military use can be shipped unpackaged under specific conditions.
- 173.166** A serviceable airbag module or seatbelt pretensioner that has been removed from a vehicle can be shipped by domestic highway/cargo aircraft without an EX or product number being entered on the shipping paper if the word “recycled” is entered on the shipping paper immediately after the basic shipping description.
- 178.3** DOT and UN package specification markings must be

marked on a *non-removable* component of the packaging.

178.603 A slight discharge of material is allowed for *any* type of packaging during the drop test as long as it ceases immediately and there is no further leakage.

180.417 Copies of a vehicle certification report for cargo tank vehicles may be maintained either at a company’s principal place of business or at the location where the vehicle is housed or maintained—*no approval from the regional FMCSA (formerly the OMC) office is required.* ♦

The Road to Safety



Some time ago I was asked to define safety. Having been in the safety business for most of my adult life, I thought that defining safety would be a piece of cake. It wasn’t. So I came up with not so much a definition as a statement that has been around for as long as TSI has been in existence. I recall seeing this statement in a TSI aircraft accident investigation class many years ago. The statement can be applied to transportation in general.

Safety

“Every activity is obliged to improve it’s safety record. Those who insist on ignoring the smaller safety problems which can be addressed, pointing to larger problems, are mostly evading the issue. Most effective safety measures deal with small portions of the total hazard. Over the years, the steady improvement that results is significant. If each step is discouraged because it doesn’t solve the whole problem, then nothing is accomplished” —Author Unknown ♦



Registration Reminder

The registration requirement of 49 CFR, Part 107, Subpart G, has been extended to those who offer or carry any shipment of hazardous materials that requires placarding. Many shippers and carriers who were never subject to registration before are now subject. The registration year began on **July 1**. Go to <http://hazmat.dot.gov/register.htm> for the new registration form, instructions, and details on the fee schedule. See also our article in the Spring 2000 edition of *FlashPoints* at www.tsi.dot.gov/dti30.